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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Respondent,

No. CR S-97-0591 JAM GGH P

12 vs.

13 LUCIANO RAMIREZ-SALAZAR,

14 Movant.

ORDER

15 _____/
16 Movant, a federal prisoner proceeding pro se, filed a motion to vacate, set aside,
17 or correct his sentence pursuant to 28 U.S.C. § 2255. By order, filed on February 15, 2012,
18 respondent was required, within fourteen days, to show cause for having failed to comply with
19 this court's December 20, 2011, order directing respondent to file an answer within thirty days.
20 On February 27, 2012, respondent filed a timely response to the show cause order, along with a
21 motion to dismiss the § 2255 motion. In the response, respondent's counsel indicates that the
22 notices with respect to the instant motion had been sent to the deactivated email address of an
23 AUSA (Robin Taylor) who has been out of the country since January of 2011. See Response, p.
24 2. In fact, according to AUSA Heiko Coppola, respondent would not even have been aware of
25 the show cause order if defense counsel Krista Hart, with whom AUSA Coppola engaged in
26 conversation about another motion involving the movant, had she not forwarded notice thereof to

1 respondent's counsel on Feb. 15, 2012. The court's review of the docket does demonstrate that
2 Robin Taylor was representing the United States in this case. Notwithstanding, the court does
3 not find an absence of good faith by respondent's counsel and therefore finds the show cause
4 order to be discharged. The Clerk of the Court will be directed to add AUSA Coppola as counsel
5 for respondent. Movant will be required to respond to the motion to dismiss.

6 Movant purported to file an amended § 2255 motion to vacate, set aside or correct
7 the sentence, on February 21, 2012, without seeking the court's leave to do so and without
8 providing a basis for the amended filing. See Fed. R. Civ. P. 15(a) (applies to habeas
9 proceedings). The putative amended petition will therefore be stricken from the docket of this
10 case.

11 Accordingly, IT IS ORDERED that:

12 1. By the response filed on February 27, 2012, the court finds that respondent has
13 discharged the February 15, 2012, show cause order;

14 2. The Clerk of the Court is directed to add AUSA Heiko Coppola to the docket
15 as respondent's counsel;

16 3. Movant must file his response to respondent's motion to dismiss the § 2255
17 motion, within thirty days of the filing of this order;

18 4. Any reply by respondent is due within fourteen days of the filing of movant's
19 response to the motion to dismiss; and

20 5. The putative amended § 2255 motion filed by movant on February 21, 2012, is
21 hereby stricken and the Clerk of the Court is directed to note this in the case docket.

22 DATED: March 13, 2012

23 /s/ Gregory G. Hollows
24 UNITED STATES MAGISTRATE JUDGE

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